

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ARC AIRBAG INFLATORS
PRODUCTS LIABILITY
LITIGATION

ALL CASES

Case No. 1:22-md-3051-ELR

MDL No. 3051

Judge Eleanor L. Ross

**JOINT MOTION TO DROP
HYUNDAI MOTOR GROUP AS A DEFENDANT**

Pursuant to Federal Rule of Civil Procedure 21, Plaintiffs and Defendants Hyundai Motor America, Kia America, Inc., Hyundai Motor Company, and Kia Corporation (together, the “Hyundai/Kia Defendants”) jointly move for an order dropping Hyundai Motor Group (“HMG”) as a Defendant in this action without prejudice.

Plaintiffs named HMG as a Korea-based Defendant in (1) *In re: ARC Airbag Inflators Products Liability Litigation* (the “MDL”), No. 1:22-md-3051 (N.D. Ga); (2) *Joplin v. ARC Automotive, Inc.*, No. 2:22-cv-2507 (D.S.C.) (“Joplin”)¹; (3) *Battie v. Hyundai Motor Corp.*, No. 1:22-cv-3809 (N.D. Ga) (“Battie”)²; (4) *Jones v. ARC*

¹ *Joplin* was transferred to this Court by the Judicial Panel on Multidistrict Litigation on December 15, 2022. ECF No. 1 (Transfer Order).

² *Battie* was consolidated with the MDL on June 1, 2023. *Battie v. Hyundai Motor Corp.*, No. 1:22-cv-3809 (N.D. Ga.), ECF No. 12 (Order).

Automotive, Inc., No. 4:22-cv-397 (S.D. Iowa) (“Jones”)³; (5) *McCrory v. Hyundai America, Inc.*, No. 8:23-cv-1196 (C.D. Cal.) (“McCrory”)⁴. While negotiating the concurrently filed Stipulation Regarding Service of Process on Non-U.S. Hyundai and Kia Defendants, Plaintiffs were informed that Hyundai Motor Group is not a legal entity. Plaintiffs therefore agreed to voluntarily dismiss all claims against HMG without prejudice based on the Hyundai/Kia Defendants’ representation that HMG is not a legal entity.

Federal Rule of Civil Procedure 21 provides that “the court may at any time, on just terms, add or drop a party.” This rule “provides wide discretion for the District Court to add or drop parties.” *Capitol City Bank & Tr. Co. v. McAfee 3 Architects, Inc.*, No. 1:16-CV-593, 2017 WL 7693372, at *4 (N.D. Ga. Mar. 7, 2017) (citation and internal quotation marks omitted); *see also Lampliter Dinner Theater, Inc. v. Liberty Mut. Ins. Co.*, 792 F.2d 1036, 1046 (11th Cir. 1986) (explaining that district courts have “great discretion” in dropping or adding parties under Rule 21).

Based on the representations made by the Hyundai/Kia Defendants, the Parties agree that HMG should be dropped from this action, that all allegations pleaded against HMG in the Corrected Consolidated Class Action Complaint (ECF

³ *Jones* was transferred to this Court by the Judicial Panel on Multidistrict Litigation on December 28, 2022. ECF No. 2 (Conditional Transfer Order–1).

⁴ *McCrory* was transferred to this Court by the Judicial Panel on Multidistrict Litigation on August 2, 2023. ECF No. 119 (Conditional Transfer Order–2).

Nos. 157, 157-1, and 157-2) should be dismissed without prejudice, and that HMG's dismissal would promote the interests of justice and efficiency.

Plaintiffs and Hyundai/Kia Defendants therefore request that the Court dismiss HMG as a Defendant without prejudice.

Respectfully submitted on June 12, 2024.

Dated: June 12, 2024

Respectfully submitted,

/s/ Eric S. Mattison (with permission)

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LOCAL RULE 7.1 CERTIFICATION OF COMPLIANCE

I hereby certify that the foregoing has been prepared in 14-point Times New Roman font in accordance with Local Rule 5.1(C).

Date: June 12, 2024

/s/ H. Clay Barnett, III

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused a true and correct copy of the foregoing document to be filed with the clerk's office by this Court's CM/ECF system which will serve a true and correct copy of the same upon all counsel of record.

Date: June 12, 2024

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